IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.576 OF 2006
IN
NOTICE OF MOTION NO.1119 OF 2006
IN
SUIT NO.2792 OF 2000

U.P. Co-operative Spinning Mills Federation Ltd. .... Appellants
Vs.
P.M.A. Hakeem & Ors. .... Respondents
And
M/s. S.R. Textile Suppliers .... Respondents

Shri M.P.S. Rao i/b M/s. Shantilal & Co. for the Appellants.

Ms Aarti Jumani i/b M/s. Rustomji Ginwala & Co. for the Respondent No.1.

Sarvasri D.D. Madon with Gourav Joshi i/b M/s. Vimadalal & Co. for the Respondent No.3.

Shri D.V. Deokar, 1st Asst. to the Court Receiver present.

CORAM: R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATED: MARCH 28, 2007

P.C:

1. In the course of the hearing of the matter, the learned Advocate for the appellants stated that the appellants want to withdraw the Notice of Motion wherein the impugned order has been passed and want to file an appeal against the order dated 16-10-2003 passed in Suit No.2792 of 2000 along with Suit No.1390 of 2003 and Suit No.648 of 2003 and for that purpose direction be issued

for maintenance of status quo for a period of three weeks. The learned counsel appearing for the respondent No.3 objects for grant of any such order of status quo and submits that in case the appellants want the order of status quo in the matter, the respondent may be refunded the amount already paid for the purchase of the property along with the interest accrued thereon from the date of the payment till this date.

2. In view of the fact that the appellants crave leave to withdraw the appeal and the Notice of Motion with the intention to challenge the order dated 16-10-2003 by way of an appeal, we are inclined to allow the appellants to withdraw the appeal and the Notice of Motion. Accordingly, in the facts and circumstances, we are also inclined to direct the parties to maintain status quo for a period of two weeks from today. As regards the submissions made on behalf of the respondents, it is too premature to express any opinion on those submissions. All the issues are kept open for the parties to agitate before the appropriate forum. The appeal accordingly stands disposed of with the above observations.

(D.G.Karnik, J.) (R.M.S.Khandeparkar, J.)

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